



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 3, 2010

Mayor Matti Herrera Bower
 Vice-Mayor Deede Weithorn
 Commissioner Jorge Exposito
 Commissioner Michael Góngora
 Commissioner Jerry Libbin
 Commissioner Edward L. Tobin
 Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
 City Attorney Jose Smith
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Certificate Of Appreciation/Walgreens (41st Street & Pine Tree Drive), Toy Give Away. (Bower)
- PA2 Certificate Of Recognition/Late Jerry Moss, Remarkable Tennis Career. (Wolfson)
- PA3 Certificate Of Appreciation/Frank Pintado, Generous Toy Giveaway Program. (Libbin)
- PA4 Certificates Of Completion/Neighborhood Leadership Academy Graduates.
- PA5 Certificates Of Appreciation/MB Firefighters, Earthquake Relief Efforts. (Mayor/Commission)
- PA6 Proclamation/Antonio Purriños, La Voz De Miami Beach 24 Years Of Service. (Góngora)
- PA7 Certificate Of Appreciation/Michael Capponi, Organizing Haiti Trip w/ CMB Firefighters. (Góngora)
- PA8 Certificate Of Appreciation/Juan Rojas, (8) Years On The Homeless Committee. (Bower)
- PA9 Proclamation/MBCDC, Opening Of Villa Maria Renovated For Elderly Housing. (Bower)
- PA10 Proclamation/Tony Purrios And Emilio Izquierdo, Jr., "El Exilio Cubano." (Bower)
- C2A Issue RFP, Audits Of Resort Taxes And For Other Internal Audits As Needed.
- C2B Award Contracts (ITB 11-09/10), Emergency Board-Up/Securing Services, \$150,000.
- C2C Issue RFP, Temporary Personnel Services.
- C2D Award Contracts (ITB 57-08/09), Parking Lots Grounds Maintenance Citywide, \$125,882.
- C2E Issue RFP, Management And/Or Development Of The Byron Carlyle Theater Complex.
- C2F Approve Purchase, Manifold Assemblies, Automatic Meter Reading Systems, etc., \$145,000.
- C2G Approve Purchase, American Darling Fire Hydrants, \$40,000.
- C4A Ref: Land Use & Development Comm. - Ordinance To Require Construction Staging Plans.
- C4B Ref: Finance & Citywide Projects Committee - Federal Legislative Services Agreement.
- C4C Ref: Finance & Citywide Projects Committee - BODR For Lincoln Park Project.
- C4D Ref: Neighborhoods/Community Affairs Committee - Washington Avenue Dog Park.
- C4E Ref: Neighborhoods/Community Affairs Committee - Report From TRAC. (Weithorn)
- C4F Ref: Neighborhoods/Community Affairs Committee - Lincoln Road Median.
- C4G Ref: Land Use & Development Committee - Land Use Boards Site Visits. (Bower)
- C4H Ref: Land Use & Development Committee - Condition Of 300 Block Of Ocean Drive. (Tobin)
- C4I Ref: Neighborhoods/Community Affairs Comm. - Bayshore Neighborhood GO Bond. (Exposito)

- C4J Ref: Neighborhoods/Community Affairs Committee - Send Funds To Help Haiti. (Tobin)
- C6A Report: Capital Improvement Projects Oversight Committee Meeting On January 11, 2009.
- C6B Report: Neighborhoods/Community Affairs Committee Meeting On January 19, 2010.
- C7A Re-Appointment Of Chief Special Master.
- C7B Elect Commissioner Jerry Libbin, As Vice-Mayor (March 1, 2010 - June 30, 2010).
- C7C Join Several Cities In Supporting And Endorsing The South Florida Parks Coalition Charter.
- C7D Execute Amendment To JPA, Milling & Resurfacing Improvements Along Indian Creek Drive.
- C7E Support Elimination Of The Cap On The State And Local Housing Trust Funds.
- C7F Waive Building Permits & Development Fees, Talmudic University Of Florida.
- C7G Submit Grant Applications To Various Funding Agencies.
- C7H Accept Recommendation, Electric Fireworks & Pyrotechnics For Fourth Of July Event.
- C7I Accept Recommendation, Redesign Of The Par 3 Golf Course.
- C7J Accept Recommendation, General Transportation & Traffic Engineering Consulting Services.
- C7K Amend Resolution 2009-27279, Increase Present Fire Rescue Transport Fees.
- C7L Urge FDOT To Restripe The Traffic Lanes In The Mid-Beach Area.
- R2A Approve Purchase, Fifty (50) 2010 Police Pursuit Vehicles & Several Other Vehicles.
- R5A **1st Rdg**, Amend Street Performers And Art Vendors Ordinance.
- R5B **1st Rdg**, Amend Permitted Signs, Shelters & Advertising In Public ROW Ordinance.
- R5C **1st Rdg**, Amend No. 1335, Classified Employees' Leave Ordinance.
- R5D **1st Rdg**, Amend Solid Waste Ordinance.
- R5E **1st Rdg**, Amend Consultant Review Fee Ordinance. **5/7**
- R7A **10:05 a.m.** Grant Revocable Permits, The Betsy Ross At 1440 Ocean Drive.
- R7B **10:10 a.m.** Grant Revocable Permits, The Fresh Market Located At 1800 West Avenue.
- R7C **10:10 a.m. 2nd Rdg**, Approve Lease Agmt w/ Immunity, Inc., 1130 Washington Avenue.
- R7D **10:15 a.m. 2nd Rdg**, Approve Lease Agmt w/ Paul A. Sack, 1130 Washington Avenue.
- R7E **1st Rdg**, Approve Lease Agmt w/ MDGLCC Foundation, Inc., 1130 Washington Avenue.
- R7F Approve The City's 2010/2011 Federal Legislative Agenda.
- R7G **11:00 a.m.** Accept Recomm., Citywide Comprehensive Stormwater Mgmt Master Plan.
- R7H Ratify Submission Of A Request To The State Of Florida DCA For NSP1 Funds.
- R7I Support House Bill 697, Fla. Entertainment Industry Financial Incentive Program. (Libbin)
- R7J Support Bills: SB 996, SB 156 & HB 335, Sales & Tourist-Related Taxes. (Libbin)
- R7K Accept Recommendation, Collection & Disposal Of Residential Solid Waste.
- R7L Execute Agreement w/ Lanier, Provide Parking Cashiers, Attendants, & Supervisors.
- R9A Board And Committee Appointments.
- R9A1 Board And Committee Appointments - City Commission Appointments.
- R9A2 Re-Appointment Of Michael Band To The Housing Authority. (Bower)
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Issue Of Back-Billing Of Storm Equivalent Units. (Wolfson)
- R9D **5:01 p.m.** Discuss: Clay Surface Courts At Flamingo Park.
- R9E Discuss: City Of Miami Beach Living Wage Ordinance. (Tobin)
- R9F Discuss: Current Status Of The City's Planned Red Light Camera Program. (Exposito)
- R9G Discuss: Extend Operating Hours Of Certain Nightlife Venues, 3/26/10 & 3/27/10. (Wolfson)
- R10A **1:00 p.m.** Notice Of Closed Executive Session: Discussion Re: Collective Bargaining.
- A City Attorney's Status Report.
- B Parking Status Report – November 2009.
- C Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- D Status Report On Palm And Hibiscus Islands Underground Utilities Project.
- E1 Minutes: MPO Governing Board Meeting On December 17, 2009. (Bower)
- E2 Minutes: Adrienne Arsht Center For Performing Arts Meeting On January 26, 2010. (Bower)
- E3 Minutes: M-D County Tourist Development Council Meeting On November 17, 2009. (Bower)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe - Dec. 2009.

Meeting called to order at 9:30:16 am by Vice-Mayor Weithorn.

Inspirational Message given by Rabbi Abraham Korf from the Yeshiva Gedolah Rabbinical College.

Pledge of Allegiance led by Michelle Viera, Firefighter.

Vice-Mayor Weithorn announced that she would be chairing the meeting because Mayor Bower is ill

11:06:33 a.m.

ADDENDUMS: C4H, C4I, C4J and Report E3

Motion made by Commissioner Tobin to add C4H, C4I, C4J and Report E3 as emergency items; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Mayor Bower.

Presentations and Awards

10:06:16 a.m.

PA1 Certificate Of Appreciation To Be Presented To Walgreens On 41st Street And Pine Tree Drive, For Collecting Toys For Over 300 Children Which Made The Miami Beach Fire Department Toy Give Away A Great Success.

(Requested by Mayor Matti Herrera Bower)

(Deferred from January 13, 2010)

ACTION: Certificate presented.

Vice-Mayor Weithorn introduced the item and explained that Walgreen's cashier, Maria Maquiera, collects toys for Miami Beach every year and she is the main reason the Toy Drive has been expanded to the Jackson Burn Unit for Kids and into the Ronald McDonald House. It is a privilege to recognize Maria and Walgreen for the work they do year after year.

Michelle Viera, Firefighter I, spoke.

Maria Maquiera spoke.

Octavio Rodriguez, Walgreens Store Manager, thanked the City Commission and Fire Department.

9:43:53 a.m.

PA2 Certificate Of Recognition To Be Presented To Late Jerry Moss For His Remarkable Tennis Career.

(Requested By Commissioner Jonah Wolfson)

(Deferred from January 13, 2010)

ACTION: Certificate presented.

Commissioner Wolfson introduced the item. He stated that Jerry Moss was a fine resident of Miami Beach and a tremendous athlete. His family is here to pay tribute to his memory. He gave a brief summary of Jerry's achievements and added that it is an honor to present this certificate to the late Jerry Moss for his achievements.

Maury Moss introduced his family and gave some background information on his brother's career.

- PA3 Certificate Of Appreciation To Be Presented To Frank Pintado, For His Generous Toy Giveaway Program.

(Requested By Commissioner Jerry Libbin)
(Deferred from January 13, 2010)

ACTION: Item deferred.

9:55:40 a.m.

- PA4 Certificates Of Completion To Be Presented To The City Of Miami Beach Neighborhood Leadership Academy Graduates.

(City Manager's Office)

ACTION: Certificates presented to the following members of the Miami Beach Neighborhood Leadership Academy Graduates: Muayad Abbas, Maria Almeida, Tony Aviles, Ryan Barras, Rebeca Boyce, Gayle Durham, Pilar Fleige, Maina Foglia, Arie Greenwald, Victor Hernandez, Eric Hirsch, Brian Keane, Jay Mcmasters, Rayree Miros, Veronika Pozmentier, Nlcardo Rivera, Larry Shafer, Elaine Sisman, Kathaleen Smarsh, Eda Valero, Miros Walter, Maria Koller, Mara Sommers, Theresa Gazmuri, Erin Healy, Ana Tous, Jeremy White, and Lara Schenkman.

Jorge Gonzalez, City Manager, introduced the item and recognized all participants and Caroline Defreze for her coordination and leadership.

Muayad Abbas spoke.

10:08:52 a.m.

- PA5 Certificates Of Appreciation To Be Presented To The Miami Beach Firefighters Who Went To Haiti To Assist In The Earthquake Relief Efforts.

(Requested By Mayor & Commission)

ACTION: Item heard in conjunction with item PA7. Certificates presented to the following Miami Beach Firefighters: Digna Abello, Jaime Calderon, Joubert Dorleus, Adonis Garcia, Nelson Gonzalez, Lonnie Gordon, Robert Morrisson, Michael Olivares, Jorge Sanabria, Roland Sanchez, Douglas Thompson and Michelle Viera.

See Item PA7 for details.

9:48:59 a.m.

- PA6 Proclamation To Be Presented To Antonio Purriños For His Newspaper, La Voz De Miami Beach, Celebrating 24 Years Of Service.

(Requested By Commissioner Michael Góngora)

ACTION: Proclamation presented.

Commissioner Góngora gave a brief history of the Spanish newspaper "La Voz De Miami Beach" published by Tony Purriños and enumerated his accomplishments during the past years.

Antonio Purriños spoke.

10:08:52 a.m.

- PA7 Certificate Of Appreciation To Be Presented To Michael Capponi For Organizing The Haiti Trip With The City Of Miami Beach Firefighters To Assist In The Earthquake Relief Efforts.
(Requested By Commissioner Michael Góngora)

ACTION: Certificate presented. Item heard in conjunction with item PA5.

Vice-Mayor Weithorn introduced the item.

Commissioner Góngora stated that he is happy to share this heroic story about the type of citizenship and firefighters living in Miami Beach. He explained how Michael Capponi called him and asked how the City could organize efforts to go to Haiti, and he was proud that within two days, there were a dozen of firefighters willing to go to Haiti, using their own time, to help rescue injured Haitians.

Michael Capponi spoke.

A video was shown.

Adonis Garcia, IAFF Local 1510 President, spoke.

10:02:37 a.m.

- PA8 Certificate Of Appreciation To Be Presented To Juan Rojas For His (8) Eight Years Of Service On The Homeless Committee.
(Requested by Mayor Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Libbin presented the certificate to Mr. Rojas on behalf of Mayor Bower and the entire City Commission and the Administration, recognizing his eight years of service as Chair in the Committee of the Homeless.

Beth Gopman spoke.

Juan Rojas spoke.

10:25:17 a.m.

- PA9 Proclamation To Be Presented To The Miami Beach Community Development Corporation Celebrating The Opening Of Villa Maria, A Historic Building Renovated For Elderly Housing.
(Requested by Mayor Matti Herrera Bower)

ACTION: Proclamation presented.

Vice-Mayor Weithorn introduced the item. She explained that the building was constructed in 1924 as an elegant seasonal apartment; this was the beginning of Miami Beach's Golden Resort era. It was originally known as the Hampton Courts Apartments and designed by Mark Hampton, prominent architect. In 2004 private developers proposed demolishing the dilapidated apartment housing elderly tenants to build luxury condominiums, and the order for demolition was considered. City leaders and tenants organized to save and preserve this affordable housing. She read the proclamation and announced the ribbon cutting and open house on February 18th and declared the day "*Villa Maria Day*."

Roberto Datorre spoke.

Dennis Russ spoke.

Elsa Urquiza spoke.

Jorge Gonzalez, City Manager, stated this is a huge success as it addresses both, affordable housing and historic preservation.

9:52:53 a.m.

PA10 Proclamation To Be Presented To Tony Purrinos And Emilio Izquierdo, Jr., For "El Exilio Cubano."
(Requested by Mayor Matti Herrera Bower).

ACTION: Proclamation presented.

Commissioner Exposito read the proclamation in Spanish.

New Item:

10:37:11 a.m.

Alex Bello, FOP President, deferred his time to the FOP attorney, Mark Richards.

Mark Richards, FOP Attorney, spoke.

Police Officer Kenneth Macleod spoke.

Vice-Mayor Weithorn asked the City Attorney if they should respond.

Jose Smith, City Attorney, stated that the Mayor and Commissioners should not respond and any comments will be made after the Executive Session.

CONSENT AGENDA

Jorge Gonzalez, City Manager, announced that a bid protest has been submitted regarding Agenda item C2D, and it has been rejected.

ACTION: Motion made by Commissioner Góngora to approve the Consent Agenda; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Mayor Bower.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Proposals (RFP) For Audits Of Resort Taxes And For Other Internal Audits As Needed.
(Budget & Performance Improvement)

ACTION: Request authorized. Gus Lopez to issue the RFP. Kathie Brooks to handle.

C2B Request For Approval To Award Contracts To The Following Vendors: A Quick Board Up Services, Inc., Pillar Consultants, Inc., And TCS Empire, Inc. As The Lowest And Best Bidders, Pursuant To Invitation To Bid No. 11-09/10, For Emergency Board-Up And Securing Services In The Estimated Annual Amount Of \$150,000.
(Building Department)

ACTION: Request authorized. Alex Rey to handle.

C2C Request For Approval To Issue A Request For Proposals (RFP) For Temporary Personnel Services.
(Human Resources/Procurement/)

ACTION: Request authorized. Ramiro Inguanzo to handle.

C2D Request For Approval To Award Contracts To SFM Services, Inc. As Primary Vendor And Southern Landscaping Enterprises, Inc. As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 57-08/09 For Parking Lots Grounds Maintenance Citywide, In The Estimated Annual Amount Of \$125,882; And Further Authorize The Administration To Add Service Visits Or Litter Control Services As May Be Required For Special Events, Or Other Needs.
(Parking Department/Parks & Recreation Department)

ACTION: Request authorized. Saul Frances and Kevin Smith to handle.

Handout or Reference Materials:

1. Letter to Mr. Steven Pearl, Southern Landscaping Ent., Inc., dated February 2, 2010 from Jorge M. Gonzalez, City Manager, RE: ITB 57-08/09

11:0924 a.m.

C2E Request For Authorization To Issue A Request For Proposals (RFP) For The Management And/Or Development Of The Byron Carlyle Theater Complex And To Concurrently Pursue Commercial Use Options With The City's Real Estate Broker Pursuant To Request For Qualifications (RFQ) No. 63-08/09.
(Tourism & Cultural Development)

ACTION: Request authorized. Gus Lopez to issue the RFP. Max Sklar to handle.

Commissioner Góngora stated that there is a concern that the City wants to sell the Byron Carlyle and clarified that this is not his personal preference nor does he believe it is the will of the City Commission, but the Commission does wish to explore all options. In addition there has been some movement by a group to move the North Beach Library to the Byron Carlyle and requested that it be considered.

C2F Request For Approval To Purchase Manifold Assemblies, Water Meters, Automatic Meter Reading Systems And Parts, From Sensus Metering Systems, Inc., In The Estimated Annual Amount Of \$145,000.
(Public Works/Procurement)

ACTION: Request authorized. Fred Beckmann to handle.

C2G Request For Approval To Purchase American Darling Fire Hydrants From American Flow Control, The Manufacturer Of The American Darling Fire Hydrants, In The Estimated Annual Amount Of \$40,000.
(Public Works/Procurement)

ACTION: Request authorized. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee – Discussion Regarding A Proposed Ordinance To Require Construction Staging Plans.
(Building Department)

ACTION: Referred. Richard Lorber to place on the committee agenda. Alex Rey to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Federal Legislative Services Agreement.
(Economic Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Kevin Crowder to handle.

- C4C Referral To The Finance And Citywide Projects Committee To Review And Discuss The Basis Of Design Report (BODR) For The Lincoln Park Project (The Project).
(Real Estate, Housing & Community Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Jorge Gomez to handle.

- C4D Referral To The Neighborhoods/Community Affairs Committee - Discuss Proposals By Mr. Tony A. Trujillo, And Mr. Larry Wyman, South Pointe Neighborhood Residents, For The Placement Of A Memorial Plaques In The Washington Avenue Dog Park In Memory Of Their Dog(s), In Conjunction With A Donation To The City By Mr. Trujillo, And Mr. Wyman, In The Amount Of \$3,000 Each, For The Purchase Of A Bench In The Dog Park.
(Parks & Recreation)

ACTION: Referred. Randi MacBride to place on the committee agenda. Kevin Smith to handle.

- C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Report From The Transparency, Reliability, Accountability Committee.
(Requested by Vice-Mayor Deede Weithorn)

ACTION: Referred. Randi MacBride to place on the committee agenda. Patricia Walker to handle.

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Proposed Lincoln Road Median Between Washington And Collins Avenues.
(City Manager's Office)

ACTION: Referred. Randi MacBride to place on the committee agenda. Jorge Gomez to handle.

- C4G Referral to Land Use And Development Committee - Discussion Regarding Whether Members Of Land Use Boards Should Make Site Visits Prior To Approval Of Applications Likely To Have Neighborhood Impacts.

(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

ADDENDUM

- C4H Referral To The Land Use And Development Committee – Discussion Regarding The Condition Of The 300 Block Of Ocean Drive.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Richard Lorber to place on the committee agenda. Alex Rey to handle.

ADDENDUM

- C4I Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding The Bayshore Neighborhood GO Bond.

(Requested by Commissioner Jorge Exposito)

ACTION: Referred. Randi MacBride to place on the committee agenda. Charles Carreño and to handle.

ADDENDUM

- C4J Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding How The City Can Send Funds To Help Haiti In The Aftermath Of The Disastrous Earthquake.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Randi MacBride to place on the committee agenda. Hilda Fernandez to handle.

C6 - Commission Committee Reports

C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On January 11, 2009: **1)** Attendance; **2)** Review And Acceptance Of Minutes; **3)** Public Comments; **4)** Consent Agenda: Items For Commission; 4a) A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The Little Stage Theater Complex (The Project); **5)** Discussion Items: 5a) South Pointe Ph II Neighborhood Improvement Project (Requested By Erika Brigham, Resident); 5b) Coast Guard Pump Station; **6)** Discussion Items: 6a) CIP Project Status Report; 6b) Construction Update: Normandy Shores Neighborhood Improvement Project; 6c) Status Report: Venetian Islands Neighborhood Improvement Project; 6d) Status Report: Sunset Islands I & II; 6e) Status Report: Sunset Islands III & IV; 6f) Status Report: Royal Palm Avenue And 44th Street Flooding Mitigation; 6g) Status Report: Palm & Hibiscus Island Undergrounding; 6h) Status Report: Flamingo/West Avenue Neighborhood Improvement Project; **7)** Staff Action Report; **8)** Calendar; **9)** Adjournment.

ACTION:**Item No. 1:**

See attendance form at end of summary.

Item No.2:

MOTION: Acceptance of Minutes of the December 7, 2009 CIPOC Meeting

MOVED: D. Kraai 2nd: C. Cuervo

PASSED (Unanimous)

Item No. 3:

Frank Del Vecchio, (301 Ocean Drive), asked for some information on the status of:

- South Pointe Streetscape Phases III/IV/V (seeking a timeline)

STAFF ACTION: Provide a status report on the agenda for the South Pointe Phases III/IV/V to include timeline and estimated schedule.

- Alton Road Reconfiguration south of Fifth
- 5th Street Improvements
- Installation of Stop Signs
- Sunrise Plaza Project

Leo Ostreicher, (358 Euclid Avenue) expressed concerns over a perceived lack of communication from CIP about the construction project. He claimed that he received emails and notices, but that conditions change and dates get pushed back and there is no notification. Although he has been communicating with the Project Manager, he asked to whom at a "higher level" he can direct concerns and criticisms for a better response. Of major concern to Mr. Ostreicher were inconveniences to the neighborhood and timeline. **Charlie Carreño**, CIP Director, clarified that the project was moving ahead of schedule and that this particular project, residents asked that we get the job done faster and get out, rather than phase the project in a manner that would be less intrusive. The water main replacement component of the project was an add-on to the scope, and the City moved quickly to get this permitted and completed so that the residents and businesses would not have to endure construction inconveniences for any longer than necessary.

Discussion then centered on overall performance by the contractor and the City's increasing efforts to improve contractor performance, including implementation of additional punitive actions to be included in construction contracts. Mr. Carreño mentioned that the Florida Prompt Payment Act prevents some of the kinds of monetary actions that can be taken against contractors in Public construction as can be done in private construction.

Re-paving on 4th Street had already begun at the time of the meeting, between Jefferson Court and Meridian Avenues. The water main was tested on Friday, January 8. As soon as positive results are returned, the streets get final asphalt.

Item No. 4:

MOTION: To recommend to the Mayor and City Commission to accept the BODR for Little Stage Complex, thank the consultant (Glavovic Studio) and acknowledge the effort they put into the design, but not to implement the entire project. Recognizing that the project is largely unfunded, suggest to Commission to recommend a scaled-down version of the design, utilizing the \$50,000 - \$75,000 left in the program budget to design and complete smaller renovations, improving the exterior of that will make the space useful and to support the current stakeholders. Rather than shelving the project, make the improvements to a small piece as it relates to the outside of the complex and make it usable for groups such as the teenagers in the afterschool Parks program. Should funds become available, the entire project could be revisited then.

MOVED: F. Karlton 2nd: C. Cuervo

PASSED: Unanimous

Item No. 5A:

South Pointe Ph II Neighborhood Improvement Project

Requested by **Erika Brigham** (735 2nd Street)

The resident requested that the two FPL utility poles in front of her property and a neighbor's be removed and that the City place the lines underground as part of the South Pointe Phase II project. The lines are not electric power lines, but rather cable and telephone lines from Atlantic Broadband and AT&T.

The motion that was before the Committee would have been to diverge from City policy and provide undergrounding. No motion was made.

NO MOTION.

Item No. 5B:

Coast Guard Pump Station

Robert Middaugh, Assistant City Manager and **Fernando Vazquez**, City Engineer presented this item. The project is currently on hold, while the City awaits an analysis from the engineering firm, CDM. Mr. Middaugh explained that the City is seeking one of two goals: 1) Not build the pump station if the reports come back showing that it is not needed or 2) if there is a need for the pump station, seek funding from other sources, such as the County, in whole or part. The consent decree is still in effect, and the City is still obligated to maintain the sewer systems and operations. Once the analysis from CDM comes back, the City will know more.

STAFF ACTION: Bring results of the CDM analysis to the next CIPOC meeting (when it is available)

STAFF ACTION: City Engineer to bring results of the peak flow analysis to CIPOC

STAFF ACTION: City Engineer to bring report to Committee on the city-wide lining of sewer pipes and the effect this has on inflow and infiltration.

Item No. 6:

CIP Project Status Reports

Construction Update: Normandy Shores Neighborhood Improvement Project

Status Report: Venetian Island Neighborhood Improvement Project

Status Report: Sunset Islands I & II

Status Report: Sunset Islands III & IV

Status Report: Royal Palm Avenue and 44th Street Flooding Mitigation

Status Report: Palm & Hibiscus Undergrounding

Status Report: Flamingo Neighborhood Improvement Project

Discussion Item: Sub-Committee functions and Organization

Item No. 7:

Staff action report

Item No. 8:

The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, February 1, 2010 in Commission Chambers.

Item separated at the request of Monica Entin, Esq., regarding item Number 5.

C6B Report Of The Neighborhoods/Community Affairs Committee Meeting On January 19, 2010: **1)** Selection Of A Chair And Vice-Chair For The Neighborhoods/Community Affairs Committee For A Term Of One Year; **2)** Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Management And/Or Development Of The Byron Carlyle Theater Complex; **3)** Update Regarding The Status Of Efforts Made By The Administration To Encourage FDOT To Restripe The Lanes In The Mid Beach Area Along Alton Road; **4)** Discussion Regarding South Beach Local; **5)** Discussion Regarding Amendments To The Non-Profit Vendor Ordinance; **6)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-463 Entitled "Prohibition Of Certain Post-Service/Employment Relationships" Prohibiting Certain Post-Service/Employment Activity Of City Elected Officials And City Employees For A Period Of Two Years After Leaving City Service/Employment; Providing For Repealer, Severability, Codification, And Effective Date.

Item No. 1:

The committee moved to have Commissioner Libbin hold the position as Chairperson and Commissioner Tobin to hold the position of Vice-Chairperson of the Neighborhoods/Community Affairs Committee for a period of one year. **(Vote: 3-0)**

City Clerk's Note: Chairperson: Commissioner Libbin; Vice-chairperson: Commissioner Tobin.

Item No.2:

The committee moved to explore all opportunities, included issuance of an RFP for Management of the facility, as well as commercial lease or sale options, and include a company's track record as part of the measurement by the RFP. **(Vote: 3-0)**

City Clerk's Note: See Agenda item C2E. Max Sklar to handle.

Item No. 3:

The committee moved to continue discussion at the next meeting of the Neighborhoods/Community Affairs Committee with Mr. Beckmann returning with some funding alternatives and estimates from striping companies. Additionally, Legal is to draft a resolution urging FDOT to make Alton Road safer by striping and providing adequate parking spaces and have staff contact the County requesting them to draft a similar resolution. **(Vote: 3-0)**

City Clerk's Note: Fred Beckmann to handle. See Agenda item C7L.

Item No. 4:

The committee moved the discussion to the TPC and then to the City Commission on February 3, 2010 including information on changing the Belle Isle route, moving the route into the Collins Park area and adding a stop in that area. **(Vote: 3-0)**

City Clerk's Note: Fred Beckmann to handle.

Item No. 5:

The committee moved to have the administration move the proposed amendments to Commission, including the staff recommendation of how the fee should be split. **(Vote: 2-1; Opposed: Commissioner Tobin)**

City Clerk's Note: Hilda Fernandez to handle.

Item No.6:

The committee moved to defer this discussion to the next meeting of the City Commission without a recommendation. **(Vote: 3-0)**

Public comment regarding Agenda Item C6B

Monica Entin, Rosen, Switkes & Entin Esq., spoke on behalf of Sammy Perez. Her client has issues with the logos, graphics, or text on t-shirts and the fees. She stated that she believes the ordinance as it is now is discriminatory on its face.

C7 - Resolutions

C7A Re-Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Re-Appointment Of Judge Abraham Laeser, To Serve As Chief Special Master, For A Term Commencing On March 5, 2010, And Ending On September 4, 2010; Provided Further That Chief Special Master, Judge Laeser Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2010-27315 adopted. Robert Parcher to handle.

2. A Resolution Approving And Re-Appointing, Pursuant To Section 102-356 Of The City Code, Judge Abraham Laeser, (Chief Special Master Re-Appointed Pursuant To Resolution No. 2010-27315, As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Judge Laeser's Term As Chief Special Master On March 5, 2010, And Ending On September 4, 2010.

(City Clerk's Office)

ACTION: Resolution No. 2010-27316 adopted. Robert Parcher to handle.

C7B A Resolution Electing Commissioner Jerry Libbin, Group I, As Vice-Mayor For A Term Commencing On March 1, 2010, And Terminating On June 30, 2010 Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2010-27317 adopted. Robert Parcher to handle.

C7C A Resolution Joining The Cities Of Coral Gables, Doral, Hialeah, North Miami, Sunny Isles Beach, South Miami, Miami Gardens, The Town Of Golden Beach, The Village Of Key Biscayne And Miami-Dade County In Supporting And Endorsing The South Florida Parks Coalition Charter And The Principles On Which It Is Established.

(Parks & Recreation)

ACTION: Resolution No. 2010-27318 adopted. Kevin Smith to handle.

- C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment Nos. One And Two, Respectively, To The Joint Participation Agreement (JPA) By And Between The City And The Florida Department Of Transportation (FDOT), Dated October 31st, 2007, For The Milling And Resurfacing Improvements Along Indian Creek Drive (SR A1A) Between 26th And 41st Streets (To The Scope Of Services And For A Contract Term Extension)
(Public Works)

ACTION: Resolution No. 2010-27319 adopted. Fred Beckmann to handle.

- C7E A Resolution Supporting Elimination Of The Cap On The State And Local Housing Trust Funds (Housing Trust Funds) And Supporting Full Appropriation Of The Housing Trust Funds For Housing Programs.
(Economic Development)

ACTION: Resolution No. 2010-27320 adopted. Kevin Crowder to handle.

- C7F A Resolution Waiving Building Permits And Development Fees Due From The Talmudic University Of Florida, In The Amount Of \$36,659.40; Provided Further That Said Waiver Of Fees Does Not Include State Radon Fee And Miami-Dade County Fee.
(Building Department)

ACTION: Resolution No. 2010-27321 adopted. Alex Rey to handle.

- C7G A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) Victims Of Crime Act (VOCA) Grant For Funding In An Amount Not To Exceed \$59,000 For The City's Domestic Violence Program; 2) Miami-Dade County Hotel/Motel And Homeless Management Information System (HMIS) Grant Funds In An Amount Not To Exceed \$24,833 For The City's Homeless Outreach Program; 3) Florida Forest Health Improvement Initiative Grant Program Funds In An Amount Not To Exceed \$24,000 For Remedial Pruning Of Mature Mahogany Trees On Alton Road; 4) Retroactively, To Miami-Dade County's Municipal Grant Program For Funding In An Amount Not To Exceed \$64,000 For The Alton Road Corridor Project; And 5) Department Of Transportation Federal Transit Administration Section 5309 Bus And Bus Facilities Livability Initiative Program Grants For Funding In An Amount Not To Exceed \$2,500,000 For Funds For Local Circulator Bus Stop Improvements; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Budget & Performance Improvement)

ACTION: Resolution No. 2010-27322 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7H A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 4-09/10, For Electric Fireworks And Pyrotechnics For The City Of Miami Beach Fourth Of July Event; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Zambelli Fireworks, And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Pyrotecnico; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration In The Not To Exceed Amount Of \$75,000.

(Tourism & Cultural Development/Procurement)

ACTION: Resolution No. 2010-27323 adopted. Max Sklar to handle.

- C7I A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 07-09/10, For The Design, Bid And Award And Construction Administration Services For The Redesign Of The Par 3 Golf Course; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of McCumber Golf, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Bates Design Group, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Signature Design Services, Inc.

(Capital Improvement Projects)

ACTION: Resolution No. 2010-27324 adopted. Charles Carreño to handle.

City Clerk's note: See Agenda item R9D – look at installation of two (2) tennis courts.

- C7J A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 55-08/09 For General Transportation Planning And Traffic Engineering Consulting Services On An As-Needed Basis; Authorizing The Administration To Negotiate Agreements With AECOM USA, Inc.; The Corradino Group, Inc.; Florida Transportation Engineering, Inc. (FTE); Gannett Fleming, Inc.; And PBS&J, Inc.

(Public Works/Procurement)

ACTION: Resolution No. 2010-27325 adopted. Fred Beckmann to handle.

- C7K A Resolution Amending Resolution 2009-27279, Subject To And Effective Upon Approval By Miami-Dade County, Increasing The Present Fire Rescue Transport Fees From \$330 To \$358.67 For Basic Life Support, From \$380 To \$425.93 For Advanced Life Support 1, And From \$490 To \$616.47 For Advanced Life Support 2, And Maintaining The Current Fees For All Expendable Medical Supplies, With Services Not To Be Withheld Due To A Person's Inability To Pay.

(Fire Department)

ACTION: Resolution No. 2010-27326 adopted. Chief Yuhr to handle.

- C7L A Resolution Urging The Florida Department Of Transportation To Restripe The Traffic Lanes In The Mid-Beach Area On Alton Road From Michigan Avenue To 63rd Street In Order To Provide Safer Travel Lanes And Clearance For Parked Vehicles.
(City Attorney's Office)

ACTION: Resolution No. 2010-27327 adopted. Kevin Crowder to transmit to FDOT.

City Clerk retrieval aid: FDOT

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

11:47:22 a.m.

- R2A Request For Approval To Purchase Fifty (50) 2010 Ford Crown Victoria's Police Pursuit Vehicles, From Garber Ford Mercury, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$1,098,415.00. Four (4) 2010 Chevrolet Impalas, From Garber Chevrolet Buick Pontiac & GMC Truck, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$79,756.00. Two (2) 2010 Chevrolet Impalas, From Bartow Chevrolet, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$33,214.00. Three (3) 2010 Ford Focus, From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$43,320.00. Two (2) 2010 Ford Taurus D3 From Duval Ford, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$47,709.00.00. Eighteen (18) 2010 Ford Fusions, From Duval Ford, Inc, Pursuant To Florida State Contract No. 09-17-0908, In The Amount Of \$321,210.00.
(Fleet Management)

ACTION: Request authorized. Motion made by Commissioner Libbin to refer to the Sustainability Committee any future police vehicle purchases to be discussed thoroughly with committee members and Police Department representatives; seconded by Commissioner Góngora; Voice-vote: 5-1; Opposed: Commissioner Wolfson; Absent: Mayor Bower. **Fred Beckmann to place on the committee agenda. Drew Terpak to handle.**

Jorge Gonzalez, City Manager, introduced the vehicle replacement program, and explained that predominantly police cruisers are being replaced, but there are a few other vehicles. He explained that the reason why so many are being purchased now is because the Administration has been skipping years (now for two years); the vehicles being purchased today probably should have been purchased two (2) years ago. Replacement has typically been five (5) years, with replacement in the sixth year; however, this has been changed to six (6) years with replacement in the 7th year if needed. Staff has advised that replacement vehicles should either be totaled or the mechanical maintenance would exceed their useful value.

Commissioner Libbin has been informed that the City of New York has purchased Nissan Altima hybrid police cars and the differential in cost is about \$1,000 more; he asked to perhaps look into this for the next purchases. He suggested approving this purchase at this time, but look at hybrid vehicles for future purchases.

Commissioner Góngora stated that this item should be referred to the Sustainability Committee.

Discussion held.

Drew Terpak, Fleet Management Division Director, explained the vehicle manufacturing process.

Jorge Gonzalez, City Manager, stated that there is a Police take home vehicle committee and their input should be solicited.

Motion made by Commissioner Libbin to approve the item and refer to the Sustainability Committee and any future vehicle purchases to be discussed thoroughly with committee and the Police Department; seconded by Commissioner Góngora; Voice-vote: 5-1; Opposed: Commissioner Wolfson; Absent: Mayor Bower.

Discussion continued.

Vice-Mayor Weithorn suggested looking at the entire process holistically and to look at the propane alternative that other cities have adopted, which is cheaper and U.S. made and ensure that the Sustainability Committee comes back with a recommendation. **Drew Terpak to handle.**

R5 - Ordinances

12:00:03 p.m.

R5A An Ordinance Amending Chapter 18 Of The Miami Beach City Code Entitled "Businesses," By Amending Article Xv, Entitled "Street Performers And Art Vendors" By Amending Section 18-901, Entitled "Definitions," By Expanding Geographical Definitions And Areas Relating To Street Performers And Artist Vendors; By Amending Section 18-903, Entitled "Artist Vendor Certificate Required," By Amending The Provisions Regarding Fees, Certificate Requirements, Administrative Rules, And The Procedures For The Processing Of Applications; By Amending Section 18-905, Entitled "Permit Application," By Amending The Provisions Regarding Fees, And Amending The Procedures Relative To Permits And Lotteries; By Amending Section 18-906, Entitled "Regulations And Prohibitions" By Amending The Provisions Concerning Lottery Procedures, Zone Locations, Expanding The Number Of Zones And Providing For Multiple Permits For Zone Locations Pursuant To The Administrative Rules, And Amending Provisions Regarding The Maintenance Of Artist Vendor Or Street Performer Zones; By Amending Section 18-909, Entitled "Disclaimer, Display, And Expiration Permit Or Certificate" To Correct A Typographical Error And To Require That Permits Be Displayed At The Permittees' Tables; Providing For Repealer, Severability, Codification, And An Effective Dates. **10:35 a.m. Second Reading Public Hearing**

(Code Compliance)

(Continued from January 13, 2010)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Mayor Bower. Second reading and Public Hearing scheduled for March 10, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Hilda Fernandez to handle.

Hilda Fernandez, Assistant City Manager, introduced the item and stated there are two issues that could not be resolved in time for this ordinance, but believes they can be resolved through the Administrative Rules. The issues were raised by Mayor Bower on how to deal with original art and diversity in the type of vending in the zones. The second issue is local preference.

Vice-Mayor Weithorn requested that the street performers and art vendors be advised of the March 10th meeting.

City Clerk's note: The ordinance was initially scheduled as a second reading public hearing however it was changed to a first reading because of ordinance changes.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 588

12:05:54 p.m.

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-414 "Permitted Signs, Shelters And Advertising In Public Rights-Of-Way", To Permit Advertising On Rental Bicycles As Part Of A City Bike Sharing Program; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading.**
(Parking Department)

ACTION: Ordinance approved on first reading and referred to the Land Use and Development Committee meeting of February 22, 2010. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Mayor Bower. Second Reading and Public Hearing scheduled for March 10, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to place on the committee agenda and to handle.

Jorge Gomez, Assistant City Manager, introduced the item.

Saul Frances, Parking Department Director, stated that the rollout date will be mid to late April.

Colby Reese from Deco Bike, LLC., displayed one of the bikes with the advertising. He stated that the first phase will be launched in about 90-days with 500 bikes that will cover South Beach and some portions of Middle-Beach.

City Clerk's Note: The February 22, 2010 Land Use and Development Committee Meeting was rescheduled to February 25, 2010 at 2:00 p.m.

12:09:58 p.m.

R5C An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Government Supervisors Association Of Florida/Opeiu, Local 100, Providing For A Repealer, Severability, And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Ballot vote: 4-2: Opposed: Commissioners Tobin and Wolfson; Absent: Mayor Bower; Second Reading and Public Hearing scheduled for March 10, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Ramiro Inguanzo to handle.

Commissioner Tobin stated that he has requested a financial analysis of the impact of approving this ordinance. He wants to make sure he receives the analysis before the second reading. **Ramiro Inguanzo to handle.**

Ramiro Inguanzo, Human Resources Director, explained the change.

Jorge Gonzalez, City Manager, calculated the maximum payoff for a \$120,000 employee.

Commissioner Tobin requested a report to see what the payout liability will be.

Vice-Mayor Weithorn stated that only the incremental difference between the 360 and 480 needs to be included in the financial impact report.

Commissioner Tobin stated that he would like the financial impact report on both, and would like it at least a week before the meeting. **Ramiro Inguanzo to handle.**

Jorge Gonzalez, City Manager, stated that he will provide the analysis via an LTC and the information will also be provided in the agenda materials. **Ramiro Inguanzo to handle.**

Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Ballot vote: 3-3; Opposed: Commissioners: Wolfson, Tobin and Góngora; Absent: Mayor Bower. The motion failed.

Jorge Gonzalez, City Manager, stated that there is a bargaining contract agreement in place. He recommended that on first reading that one of the "no" voters change their vote to "yes".

Commissioner Góngora changed his vote from a "no" to a "yes" for the first reading.

5:25:54 p.m.

R5D An Ordinance Amending Section 90-230 Of Chapter 90 Of The City Code, Entitled, "Solid Waste;" Said Amendment Increasing The Term Of The City's Franchise Waste Contractors/Franchise Waste Contractor Agreements From Three (3) To Five (5) Years; Amending Section 90-231, Entitled "Recycling Requirements For Franchise Waste Contractors; Protest Procedures;" And Further Amending Various Non-Substantive Definitions And Terms Throughout Chapter 90 To Update And Clarify Same (As Well As Deleting Various Definitions And Terms For The Same Corresponding Purposes Of Update/Clarification); And Providing Further For Codification, Severability, And An Effective Date. **First Reading**

(City Manager's Office)

ACTION: Item referred. Motion made by Commissioner Wolfson to refer the ordinance to the Sustainability Committee to incorporate the issue of recycling of multifamily and commercial properties and bring the ordinance back next month; seconded by Commissioner Góngora; Voice vote: 5-0; Absent: Mayor Bower; Commissioner Weithorn recused herself. **Fred Beckmann to place on the committee agenda.**

Vice-Mayor Weithorn recused herself on this issue and passed the gavel to Commissioner Libbin.

Robert Middaugh, Assistant City Manager, introduced the item. He added that the definition of recycling in the ordinance should be changed by adding to the definition of recycling the following sentence: "Any recyclable material mixed with solid waste shall be considered to be solid waste."

Commissioner Tobin stated that he would like to see consumer friendly language added to the haulers agreements that clearly informs the consumer of any and all automatic renewals in the contract.

Raul Aguila, Deputy City Attorney, stated there should be a discussion with the haulers and language can be added to the ordinance between first and second reading. He also requested that Commissioner Tobin be designated the point of contact so the proposed ordinance language can be submitted to him for review. **Legal Department to handle.**

Discussion continued.

Motion made by Commissioner Wolfson to approve the ordinance and add the new language between first and second reading, and that the \$75,000 per year be allocated to the International Baccalaureate program; seconded by Commissioner Tobin. Discussion continued.

Commissioner Libbin stated that the Commission may want the flexibility of allocating the money and the City is not obligated to use the funds for schools. The City Commission can decide how to use the money and the money does not need to be part of the ordinance.

Discussion continued.

Debbie Leibowitz stated that she is a member of the City's Sustainability Committee and stated that multifamily residence and business recycling should be added to the ordinance.

Al Zamora, Sanitation Director, spoke.

Discussion continued.

Commissioner Wolfson withdrew his motion.

Raul Aguila, Deputy City Attorney, stated that under City Code section 90-233 the City has the right to adopt a citywide recycling program for multifamily units (over eight units) and commercial establishments.

Jorge Gonzalez, City Manager, stated that by not approving this ordinance the City will not be receiving the additional public benefits negotiated.

Discussion continued.

Commissioner Tobin stated that the Administration should be aware of policy directive of the Commission that sustainability issues are one of the top five (5) priorities.

Motion made by Commissioner Wolfson to refer the ordinance to the Sustainability Committee and bring it back next month; seconded by Commissioner Góngora; Voice vote: 5-0; Absent: Mayor Bower; Commissioner Weithorn recused herself. Fred Beckmann to handle.

Robert Middaugh, Assistant City Manager, stated that the Administration has been following the direction of the Sustainability Committee and supported by previous City Commissions that the direction was not to be over regulatory and not to mandate recycling.

Jason Neal, Waste Management, spoke.

Handout or Reference Materials

1. Form 8B filed by Vice-Mayor Weithorn

12:19:16 p.m.

R5E Consultant Review Fee Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article 1, "In General," By Enacting A New Section 118-6, Entitled "Use Of, And Cost Recovery For, Consultants For Applications For Development Approval," Requiring Applicants Required To Submit Traffic And Other Technical Reports As Part Of Their Applications To Fund Report Preparation By Consultants Selected From A City-Approved List, In Addition To Any Consultant Reports The Applicant Desires To Submit, And To Require Cost Recovery For City's Use Of Consultants Needed To Review Reports Submitted With Such Applications; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Planning Board/Administration version of the Ordinance approved on first reading.

Motion made by Commissioner Góngora; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Mayor Bower. Second Reading and Public Hearing scheduled for March 10, 2010. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Richard Lorber to handle.

Richard Lorber, Acting Planning Department Director, introduced the item.

Discussion held.

Motion made by Commissioner Góngora to approve the Planning Board/Administration version of the ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Mayor Bower.

R7 - Resolutions

11:14:30 a.m.

R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting An After-The-Fact Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting An After-The-Fact Revocable Permit In Favor Of The Applicant, The Betsy Ross Owner LLC, Owner Of The Betsy Hotel South Beach, Located At 1440 Ocean Drive, To Retain An As-Built Prefabricated Canvas Awning That Extends Approximately Fourteen Feet, Three Inches (14'-3") Over And Into The Public Right-Of-Way With A Minimum Vertical Height Of Seven Feet, Six Inches (7'-6"), As Measured From The Finished Sidewalk Grade; And Further Authorizing The Mayor And City Clerk To Execute The Permit. **10:05 a.m. Public Hearing**

(Public Works)

(Continued from January 13, 2010)

ACTION: Public Hearing held. Resolution No. 2010-27328 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Fred Beckmann to handle.

- R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Granting A Revocable Permit In Favor Of The Applicant, The Fresh Market Located At 1800 West Avenue, To Retain Two (2) Architectural Elements (Canopies) That Project Over And Into The Public Right-Of-Way (Row), With The Lowest Extension At A Maximum Horizontal Dimension Of Four Feet, Eleven Inches (4'-11") And Placed Sixteen Feet (16') Above The Row Of West Avenue Directly Above The Finish Sidewalk Grade, And The Highest Extension At A Maximum Horizontal Dimension Of Seven Feet, One Inch (7'-1") And Placed Fifty Five Feet (55') Above West Avenue Sidewalk Grade; Further Authorizing The Mayor And City Clerk To Execute The Permit. **10:10 a.m. Public Hearing**
(Public Works)
(Continued from January 13, 2010)

ACTION: Public Hearing held. Resolution No. 2010-27329 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Fred Beckmann to handle.

11:15:30 a.m.

- R7C A Resolution, Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Immunity, Inc., For Use Of Approximately 3,036 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 7th And 8th Floor, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:10 a.m. Second Reading Public Hearing**
(Real Estate, Housing & Community Development)
(First Reading on January 13, 2010)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2010-27330 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Anna Parekh to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 596

11:16:47 a.m.

- R7D A Resolution Approving On Second Reading (And Final Approval), Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Paul A. Sack, For Use Of Approximately 660 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 3rd Floor West, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **10:15 a.m. Second Reading Public Hearing**
(Real Estate, Housing & Community Development)
(First Reading on January 13, 2010)

ACTION: Title of the Resolution read into the record. Public Hearing held. Resolution No. 2010-27331 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Anna Parekh to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 596

11:127:55 a.m.

R7E A Resolution Approving On First Reading, A Lease Agreement Between The City And MDGLCC Foundation, Inc., For Use Of Approximately 2,543 Square Feet Of City-Owned Property, Located At 1130 Washington Avenue, 1st Floor North, Miami Beach, Florida; Said Lease Having An Initial Term Of Three Years, With Two Additional Three Year Renewal Terms, At The City's Sole Discretion; Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code; Further Setting A Public Hearing On March 10, 2010, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading**
(Real Estate, Housing & Community Development)

ACTION: Title of the Resolution read into the record. Resolution No. 2010-27332 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Góngora Voice vote: 5-0; Absent: Mayor Bower and Commissioner Wolfson. Second reading and public hearing schedule for March 10, 2010. Lilia Cardillo to place on the agenda. Anna Parekh to handle.

Jorge Gonzalez, City Manager, introduced the item.

11:19:19 a.m.

R7F A Resolution Approving The City's 2010/2011 Federal Legislative Agenda.
(Economic Development)

ACTION: Resolution No. 2010-27333 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Mayor Bower. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, introduced the item.

Discussion held.

Kevin Crowder highlighted the major priorities of the Legislative Agenda for the benefit of the citizens.

Drew Chesler spoke.

Discussion continued.

11:29:42 a.m.

R7G A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 03-09/10, For The Preparation Of A New Citywide Comprehensive Stormwater Management Master Plan In The City Of Miami Beach To Supersede The Existing Comprehensive Stormwater Management Master Plan; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Camp Dresser & McKee, Inc. (CDM), And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of URS Corporation Southern; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Post, Buckley, Schuh & Jernigan (D/B/A PBS&J), Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.
(Public Works/Procurement)

ACTION: Resolution No. 2010-27334 adopted as amended. Motion made by Commissioner Tobin; seconded by Commissioner Libbin Voice vote: 6-0; Absent: Mayor Bower. Fred Beckmann to handle.

Amendment:

1) If unsuccessful negotiating with the firm of Camp Dresser & McKee, Inc., (CDM) to bring the item back to the City Commission.

End

Jorge Gonzalez, City Manager, introduced the item.

Commissioner Tobin requested that the City Manager bring this item back if he is not able to negotiate a contract with the firm of Camp Dresser & McKee, Inc. (CDM).

Jorge Gonzalez, City Manager, stated that Drew Chesler was on the evaluation committee and thanked him for his service.

Drew Chesler spoke, not as a committee member, but as a business owner and resident.

Jorge Gonzalez, City Manager, responding to the question if funds have been earmarked for phases I and II, stated that the funds have been allocated, but not appropriated. The dollars are not budgeted because the City is not ready to spend funds, and the bonds will not be issued until the funds need to be spent.

Commissioner Exposito responded to Mr. Chesler's question regarding securing flood insurance. He encouraged Mr. Chesler to contact him.

11:41:53 a.m.

R7H A Resolution Ratifying The Submission Of A Request To The State Of Florida Department Of Community Affairs (DCA) For Any And All Recaptured Neighborhood Stabilization Funds 1 (NSP1/) Funds To Be Utilized For The Acquisition And Rehabilitation, As Necessary, Of Foreclosed, Bank-Owned Buildings That Meet The Requirements Of The Neighborhood Stabilization Program, Such Units In Those Buildings To Be Made Available As Rental Properties For Income-Qualified Households In Accordance With NSP Rules; Authorizing An Amendment To The Nsp1 Agreement With Miami Beach Community Development Corporation (MBCDC), The HUD-Recognized Community Housing Development Organization (CHDO) For The City, As The Development Partner For Any Additional Funds That May Be Granted Pursuant To The City's Requests; And Further Authorizing The Mayor And The City Clerk To Execute Any Subsequent Agreement Between The City And The State Of Florida DCA, And Any Amendments To The Agreement Between The City And MBCDC.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2010-27335 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Mayor Bower. Anna Parekh to handle.

Vice-Mayor Weithorn stated that the City has an opportunity to get more funding because the City did a great job.

Hilda Fernandez, Assistant City Manager, introduced the item. She stated the City of Miami Beach has been selected by the State Community Affairs Department as the model of how these programs should be functioning. She acknowledged Anna Parekh and staff for their work on this.

Discussion continued.

Gerald K. Schwartz, Esq., stated that he represented MBCDC on this transaction and dealing with the State on this transaction was extremely difficult. He added that Anna Parekh did a fabulous job. Anna stayed on top of the State and she worked very quickly and diligently. This would not have gone through with the State without her work, professionalism and knowledge, her understanding and her dedication to getting the job done. She was outstanding.

Jorge Gonzalez, City Manager, stated that when creating something new it can be frustrating and at every step of the way she was either able to meet the State's deadline or convince the State that what they were asking for was not what they really needed. He thanked Anna for a great job.

12:38:25 p.m.

R7I A Resolution Supporting And Encouraging The State Legislature And The Governor To Support House Bill 697 Sponsored By State Rep. Precourt, Which Legislation Would Amend Florida's Entertainment Industry Financial Incentive Program To Provide Corporate Income And Sales/Use Tax Credits To Qualified Film And Entertainment Entities.

(Requested by Commissioner Jerry Libbin/City Attorney's Office)

ACTION: Resolution No. 2010-27336 adopted as amended by adding the Senate Bill 1430 to this resolution. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Mayor Bower. City Attorney's office to amend the resolution. R. Parcher to transmit to the State Legislature and the Governor.

12:41:04 p.m.

R7J A Resolution Supporting And Encouraging The State Legislature And The Governor To Support Bills Sponsored By State Sen. Bennett (SB 996), State Sen. Lynn (SB 156) And State Rep. Long (HB 335), Which Legislation Would Amend Florida Law To Expressly Provide That Online Internet Travel Firms Be Required To Pay Sales And Tourist-Related Taxes On The Full Price Of Rooms They Reserve For Customers.

(Requested by Commissioner Jerry Libbin/City Attorney's Office)

ACTION: Resolution No. 2010-27337 adopted and referred to the Mayor's Blue Ribbon Task Force on Tourism. See Motions One and Two. R. Parcher to transmit to the State Legislature and the Governor. Max Sklar to handle.

Motion One:

Motion made by Commissioner Libbin to approve the item; seconded by Commissioner Tobin. Voice vote: 6-0; Absent: Mayor Bower.

Motion Two:

Motion by Commissioner Libbin to add to the Federal Legislative Priorities that the City of Miami Beach urges Washington not to block any state legislation; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Mayor Bower. **Kevin Crowder to handle.**

Commissioner Libbin introduced the item and explained the Bill.

Kevin Crowder added that there is a move in the Federal Senate to preempt the State's ability to do what the State Legislator is proposing and added that City Commission should add an item to the Federal Legislative Agenda opposing the preemption at the Federal level. **Kevin Crowder to handle.**

Discussion held.

Jose Smith, City Attorney, stated that this is an issue currently being litigated in Florida and other states. He added that Miami-Dade County has filed a class action lawsuit against all these companies to collect their CDT, and the City Attorney's Office has been working with the County Attorney's Office, because if they win, the City of Miami Beach wins.

Motion made by Commissioner Libbin to approve the item and add this Bill to the Federal Legislative Priorities to urge the federal lobbyist to work not to have this eliminated; seconded by Commissioner Exposito. No vote taken and discussion continued.

Vice-Mayor Weithorn asked if there is an economic impact with regards to this issue, to see what amount of money is involved

Jorge Gonzalez, City Manager, stated that not recently, and added that it could be in the millions of dollars.

Jose Smith, City Attorney, stated that the County's claim is probably about \$10 million dollars.

Vice-Mayor Weithorn requested referring to the Mayor's Blue Ribbon Task Force on Tourism to look at the facts regarding the room rates booked online versus other means to understand the dollar magnitude.

Discussion continued.

Commissioner Libbin requested that the audits being done on the hotels to include audit of how much of the business is coming as online bookings. **Kathie Brooks to handle.**

Motion One:

Motion made by Commissioner Libbin to approve the item; seconded by Commissioner Tobin. Voice vote: 6-0; Absent: Mayor Bower.

Motion Two:

Motion by Commissioner Libbin to add to the Federal Legislative Priorities that the City of Miami Beach urges Washington not to block any state legislation; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Mayor Bower. **Kevin Crowder to handle.**

4:50:00 p.m.

R7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposers Pursuant To Request For Proposals (RFP) No. 60-08/09 For The Collection And Disposal Of Residential Solid Waste, Yard Trash, And Bulk Waste, And Operation Of The City's Green Waste Facility (The "RFP"); Authorizing The Administration To Enter Into Negotiations With The Two (2) Top-Ranked Proposers, Waste Pro Of Florida, Inc. And Choice Environmental Services, Inc.; Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations With One Of The Aforestated Proposer, And Said Agreement Encompassing The Terms And Conditions As Set Forth In The RFP And The Successful Proposal In Response Thereto; And Further Authorizing The City Manager To Contract On A Month-To-Month Basis With Waste Management At The Billing Rate Of \$25.57 Per Residential Unit Per Month Until Such Time That Negotiations Are Finalized.

(Public Works/Procurement)

ACTION: Resolution No. 2010-27338 adopted. Motion made by Commissioner Libbin to approve Option #2 (to negotiate with the top two proposers); seconded by Commissioner Wolfson; Ballot vote: 4-2; Opposed: Commissioners Góngora and Tobin; Absent: Mayor Bower. Randi MacBride to place on the committee agenda. **Fred Beckmann to handle.**

Referral

Referred to the Neighborhood/Community Affairs Committee, as two separate issues: 1) the closing of the Green Waste Facility, and 2) the automated curb side pick up. Approved by acclamation. Randi MacBride to place on the committee agenda. **Fred Beckmann to handle.**

End

Jorge Gonzalez, City Manager, introduced the item and informed the Commission that the City received a timely bid protest with respect to introducing a recycling program, and they think it should be considered as part of the overall proposal. The protest was rejected by the Administration and by the City Attorney's Office. He stated that the lowest and best, submitted a price proposal of \$29.75 per unit per month, which equates to a \$4 increase per unit per month over the current provider. This equates to about a \$50 increase annually. He recommended authorizing the Administration to simultaneously negotiate with both Choice and Waste Pro. In addition, a reduced level of service could be considered by closing the green waste facility or consider other service delivery options.

Fred Hambleton, representing Richfield Equities, spoke.

Vice-Mayor Weithorn suggested coordinating with the Sustainability Committee.

James Sage, Director of Municipal Operation for Environmental Services for Choice, spoke.

Mitchell Bierman, Esq., representing Waste Services Inc., spoke.

Robert Hyres, Executive Vice-President and Corporate Secretary of Waste Pro, spoke.

Option #2:**Motion made by Commissioner Libbin to negotiate with both proposers with the purpose of bringing the price down.**

Discussion continued.

Commissioner Góngora stated that his most important criteria is price and additionally Choice spoke about their local presence on Miami Beach and their green initiative.

Commissioner Tobin seconded Commissioner Góngora's suggestion.

Commissioner Wolfson asked if there was any objection to have advertising on the truck to bring the price down. He also asked the City Manager if there is an advantage in negotiating with both firms.

Jorge Gonzalez, City Manager, stated "absolutely."

Commissioner Wolfson seconded Commissioner Libbin's motion (Option #2).

Vice-Mayor Weithorn explained the "tipping fees" and also explained the operations of the green waste facility.

Discussion continued.

Commissioner Góngora stated that he is concerned with setting a precedent by negotiating with both proposers. He agrees on getting the best price for the residents.

Ballot vote taken on Commissioner Libbin's motion to approve Option #2: 4-2: Opposed: Commissioners Góngora and Tobin; Absent: Mayor Bower.

Jorge Gonzalez, City Manager, stated that one of the inquiries in the memorandum has to do with the green waste facility, and asked how the Commission wants to proceed since this is a policy/service level issue.

Commissioner Exposito stated that he has dealt with this issue for some time and the green waste facility should be negotiated to further reduce the cost.

Vice-Mayor Weithorn referred the discussion of the green waste facility and the curb-side pickup to the Neighborhood/Community Affairs Committee. Approved by acclamation.

Jorge Gonzalez, City Manager, stated that the green waste facility can be negotiated with this contract. If a new method of collection is requested, he suggested doing it via a new RFP. The issue should still go to committee for discussion.

Commissioner Tobin explained curb-side pickup.

Vice-Mayor Weithorn stated that the issues will be sent to committee separately.

Commissioner Tobin asked the Administration for standards (rules) to be applied with the issuance of an RFP and that the rules are not changed in the middle of the process.

Jorge Gonzalez, City Manager, stated that he was surprised, in these economic times, that the rates were increased. He added that his decision was based on getting the best rate for the residents. This process is unusual, but it has been done in the past; however, as a general rule the Administration recommends the best bidder, but the process is flexible enough to allow options.

Handout or Reference Material

1. Letter from Jorge M. Gonzalez, City Manager, to Dr. Frederick H. Hambleton, Richfield Equities, LLC, dated February 2, 2010, RE: City of Miami Beach's Response to Richfield Equities' Bid Protest
2. Roll call Vote

7:57:27 p.m.

R7L A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Lanier Parking Solutions, Inc., Pursuant To Request For Proposals (RFP) No. 41-08/09 To Provide Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking System; Said Agreement Having An Initial Term Of Three (3) Years, Commencing On March 9, 2010, And Ending On March 8, 2013, With Two (2) One-Year Renewal Options, Upon The Same Terms And Conditions, At The City's Sole Discretion.
(Parking Department)

ACTION: Motion made by Commissioner Wolfson to reject the contract; seconded by Commissioner Góngora; Voice vote: 6-0: Absent: Mayor Bower. **Saul Frances to handle.**

Motion One

Motion made by Commissioner Wolfson to reject the contract; seconded by Commissioner Góngora; Voice vote: 6-0: Absent: Mayor Bower.

Motion Two

Motion made by Commissioner Góngora authorizing the City Manager to continue under the contract with Impark, (the current vendor), but to negotiate an amendment to the contract to change the rate; include a provision that Impark acknowledges and understands that a new RFP will be issued. Directing the City Attorney to follow up with regard to the protest made by Mr. Chester Escobar of Impark that, given the City Commission's determination to re-bid, the current lawsuit by Impark against the City (challenging the award of RFP No. 41-08/09) may be rendered moot, and therefore the lawsuit should be voluntarily dismissed by Impark; seconded by Commissioner Exposito. Voice vote: 5-1; Opposed: Commissioner Wolfson; Absent: Mayor Bower.

Motion Three

Motion made by Commissioner Exposito to explore the issuance of a new RFP using the "cost plus" concept; seconded by Commissioner Góngora; Voice vote: 6-0: Absent: Mayor Bower.

End

Jorge Gonzalez, City Manager, stated that the item in the agenda is a recommendation to enter into a contract with Lanier Parking Solutions, pursuant to RFP No. 41-08/09, to replace the current vendor providing parking concession services, with the determining factor being price. He explained that since the Agenda was printed, the City received notice from Lanier that there were certain additional elements that they were seeking some relief on, and they did not agree with the contract presented. Lanier requested that the contract include an option for Lanier to terminate, upon 90 days notice, based on the occurrence of one of three (3) options (as presented in Lanier's e-mail to the City, dated February 2, 2010). He explained that the City does not have any contracts for services that essentially allow a termination "for convenience" by the vendor. He is not able to recommend the additional language Lanier requested in the contract because it places the City at a disadvantage. Further, he has concerns as to whether this is a viable contract because of the manner in which Lanier notified the City at the eleventh hour. He asked for direction as to how to proceed.

Raul Aguila, Deputy City Attorney, also outlined Lanier's request, and added that the Legal Department did not recommend the change to the contract.

Discussion continued.

Neisen Kasdin, Esq., representing Lanier Parking Solutions, spoke.

Raul Aguila, Deputy City Attorney, made the following points regarding what Mr. Kasdin said: 1) The RFP had no language representing or guaranteeing a minimum number of hours. 2) With regard to rate increases, there is a procedure for approving rate increases once a contract is entered into; the contract provides that in requesting an increase, the contractor shall submit substantiating documentation to the City Manager, who makes recommendation to the City Commission for the Commission's ultimate approval. 3) With regard to Lanier's request that it be able to terminate the contract should the City amend the policies and procedures (deferred under the contract) in any way that would affect Lanier's costs, the City should not agree to something so broad, and should have flexibility as to what to adopt (or not adopt). The contract presented is a basic labor (wage rate) contract, and the same contract as the contract the City has with the current vendor.

Discussion continued.

Motion #1:

Motion made by Commissioner Wolfson to reject all bids.*

Discussion continued.

Motion made by Commissioner Libbin that the Manager continue to negotiate with Lanier and to preserve the \$1 million savings and, if unable to do so, then at the next Commission meeting the Commission can decide what to do. No second offered.

Commissioner Góngora seconded Commissioner Wolfson's motion

*Jose Smith, City Attorney, clarified that Commissioner Wolfson's motion should be to reject the contract.

Jorge Gonzalez, City Manager, added that he needs further direction. He explained that by rejecting the contract the City has the choice of either continuing with the current provider, and directing the Manager to negotiate with the second ranked (Impark) proposer, or keep the same provider (Impark) at the current rate, and issue a new RFP.

Vice-Mayor Weithorn stated that a new RFP utilizing the "cost plus" concept would allow that the overhead and profit fees could be fixed, regardless of the number of hours.

Discussion continued.

Jorge Gonzalez, City Manager, stated that there are three (3) options:

- 1). Reach an agreement with Lanier;
- 2). Reject the contract with Lanier and proceed to negotiate with the second proposer, or
- 3). Reject the contract with Lanier and issue a new RFP.

Commissioner Góngora stated that he would like to learn more about the "cost plus" concept.

A voice vote was called on Commissioner Wolfson's motion to reject the contract; 6-0; Absent: Mayor Bower

Joe Wenderoth, Executive Vice-President of Lanier Parking Solutions, spoke.

Discussion continued.

Motion #3:

Motion made by Commissioner Exposito to explore the issuance of an RFP utilizing “cost plus” concept; seconded by Commissioner Góngora.

Vice-Mayor Weithorn volunteered to work with the Administration on the “cost plus” concept RFP.

Discussion continued.

Chester Escobar from Impark spoke.

Vice-Mayor Weithorn stated that Impark’s existing lawsuit against the City should be resolved. She asked that this should be a condition.

Discussion continued.

Commissioner Tobin requested a management agreement.

Jorge Gonzalez, City Manager, stated that while the Administration prepares the new RFP, the City may be able to realize savings by negotiating with the current provider (Impark) under its existing agreement. Saul Frances to handle.

Vice-Mayor Weithorn agreed to work with the City Manager and have it by April. Saul Frances to handle.

Motion One:

Motion made Commissioner Wolfson to rescind the award (reject the contract) with Lanier; seconded by commissioner Exposito; Voice vote: 6-0; Absent: Mayor Bower

Motion Two:

Motion made by Commissioner Góngora to authorize the City Manager to negotiate an amendment to the contract with the current provider (Impark) to lower the rate; to add a provision that Impark acknowledges and understands that the City will be issuing a new RFP. Directing the City Attorney and Impark to pursue resolution of the pending legal proceedings; seconded by Commissioner Exposito. Voice vote: 5-1; Opposed: Commissioner Wolfson; Absent: Mayor Bower.

Discussion continued.

Commissioner Wolfson changed his vote to “no.”

Raul Aguila, Deputy City Attorney, recapped the motions made:

Motion One: To not approve Lanier’s contract;

Motion Two: As to the current contract, leave thing status quo except authorizing the City Manager to negotiate an amendment to the contract with regard to the rate, etc, and;

Motion Three: Authorize the issuance of a new RFP based on the “cost plus” model.

Chester Escobar from Impark spoke.

Commissioner Libbin also requested that the contract amendment include language for the City to terminate without cause with a 30 days notice. Saul Frances to handle.

Handout or Reference Materials

1. Memorandum from Jorge M. Gonzalez, City Manager, to Mayor Matti Herrera Bower and members of the City Commission, dated February 3, 2010, RE: RFP 41-08/09 – highlighting important developments related to contract negotiations.
2. Qualifications for Award summary from Choice Environmental
3. Letter to Jorge M. Gonzalez, City Manager, from Russell Mackie, Regional Vice President, Waste Pro received February 2, 2010 in the City Clerk’s Office.

R9 - New Business and Commission Requests**R9A Board And Committee Appointments.**
(City Clerk's Office)**ACTION:** The following appointments were made:**Beautification Committee:**

Lidia Resnick	Term ending 12/31/2011	Appointed by Commissioner Gongora	TL 12/31/17
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Budget Advisory Committee:

Jack Benveniste	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/15
Laurence Herrup	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
Jaqueline Lalonde	Term ending 12/31/2010	Appointed by Commissioner Weithorn	TL 12/31/17

Community Development Advisory Committee:

Josh Gimelstein	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
Alan Randolph	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17

Community Relations Board:

Regina Berman	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/16
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Debarment Committee:

Scott Needleman	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/16
Melvyn Schlessler	Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/12

Disability Access Committee:

Ken Stenicky	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
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Fine Arts Board:

Michael Brosgart	Term ending 12/31/2011	Appointed by Commissioner Exposito	TL 12/31/17
Jamie Dokovna	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17
Merle Weiss	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/17
Carrie Wisenfield	Term ending 12/31/2011	Appointed by Mayor Bower	TL 12/31/15

Gay Lesbian Committee:

C J Ortuno	Term expires 12/31/2011	Appointed by Commissioner Weithorn	TL 12/31/16
Dale Stine	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17

Golf Advisory Committee:

Greg Carney	Term ending 12/31/10	Appointed by Commissioner Góngora	TL 12/31/17
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Loan Review Committee:

Eric Lawrence	Term ending 12/31/10	Appointed by Commissioner Góngora	TL 12/31/17
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Marine Authority:

Donald Blechman	Term ending 12/31/2011	Appointed by Commissioner Tobin	TL 12/31/15
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Miami Beach Commission for Women:

Laura Bruney	Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/13
Rosa Figarola	Term ending 12/31/2011	Appointed by Commissioner Góngora	TL 12/31/16
Regina Suarez	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/17

Miami Beach Sister Cities Program:

Roberto DaTorre - Other	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/16
Gianluca Fontani - Pescara Italy	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/17
Jessica Londono - Ica, Peru	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/17

Belkys Nerey - Other	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/17
Nucio Nobel - Cozumel, Mexico	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/16
Veronika Pozmentier Other	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/17
Elaine Roden Other	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/17
Antwon Thomas, Santa Marta, Colombia	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/17
Marie Towers - Altmonte, Spain	Term ending 12/31/11	Appointed by Mayor Bower	TL 12/31/17
Gary Twist - Fortaleza, Brazil	Term ending 12/31/10	Appointed by Mayor Bower	TL 12/31/17

Police Citizens Relations Committee:

Antonio Hernandez Jr	Term ending 12/31/2010	Appointed by Commissioner Góngora	TL 12/31/16
Frank Kruszewski	Term ending 12/31/2010	Appointed by Commissioner Exposito	TL 12/31/17
Steven Oppenheimer	Term ending 12/31/2010	Appointed by Commissioner Wolfson	TL 12/31/17

Production Industry Council:

Noreen Legault-Mendoza (TV/Film)	Term ending 12/31/11	Appointed by Commissioner Wolfson	TL 12/31/17
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Public Safety Committee:

Jared Dokovna	Term ending 12/31/10	Appointed by Commissioner Góngora	TL 12/31/17
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Safety Committee:

Robert Rabinowitz	Term ending 12/31/11	Appointed by Commissioner Góngora	TL 12/31/17
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Transportation and Parking Committee:

Alan Fishman (TL 12/31/10)	Term ending 12/31/11	Appointed by Commissioner Góngora	TL 12/31/10
Delvin Fruit	Representative for the Mid-Beach Community Association		TL 12/31/11
Seth Wasserman	Term ending 12/31/11	Appointed by Commissioner Exposito	TL 12/31/16
Marc Weithorn	Representative for the North Beach Development Corporation (NBDC)		TL 12/31/11

Waterfront Protection Committee:

Matthew Krieger	Term ending 12/31/10	Appointed by Commissioner Góngora	TL 12/31/13
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R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: Motion made by Commissioner Góngora to extend the terms for an additional 30 days on all the City Commission Board; seconded by Commissioner Exposito; Voice vote 6-0; Absent: Mayor Bower.

Handout or Reference Materials:

1. Letter from VCA to Mayor and Commission dated January 29, 2010 RE: Reappointments of Vice-Chair Jeff Lehman and Deborah Castillo and Jacque Hertz.

R9A2 Re-Appointment Of Michael Band To The Housing Authority.
(Requested by Mayor Matti Herrera Bower)

ACTION: Because Mayor Bower was not at the meeting, the item will be placed on the March 10th Commission Agenda. **Lilia Cardillo to place on the Commission Agenda.**

1:38:53 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: The following individuals spoke:

- 1) Deborah Desilets spoke regarding the Lincoln Road Anniversary and her art project "Globes on Lincoln."
- 2) Raphael Herman explained that before leaving for Israel, Public Works, per his request, turned off the water meter temporarily. During his absence, the water was turned on and upon his return, there was flooding in the house and damages to his property of up to more than \$100,000, which he believes was caused by the Public Works Department. He added that the City is liable for the payment of his loss.

Jose Smith, City Attorney, stated that Clifton Leonard, Risk Management, reviewed Mr. Herman's claim carefully, and concluded that the City has no liability and that the claim is without merit. He looked at the claim very carefully and also concluded that the claim has no merit. Mr. Herman has the right to go to court and file a claim against the City if he wishes to challenge the City's position, but he reiterated that the City's position is that the City is not liable.

Raphael Herman spoke.

Jorge Gonzalez, City Manager, clarified that the City has made its determination and the City has met with Mr. Herman. The City Attorney has explained what the remedies are and he can exercise those remedies.

- 3) Mark Johnson informed the audience of a scam to get money from unsuspected people. He received a spam e-mail sent on behalf of Mt. Sinai Center Foundation, a fundraising organization.

Vice-Mayor Weithorn asked the City Manager to explain the City's relationship with Mount Sinai.

Jorge Gonzalez, City Manager, explained.

- 4) Sherry Roberts stated that she is against turning the Lincoln Theatre into a retail mall.
- 5) Jo Manning spoke on the Lincoln Theatre.
- 6) Ray Breslin spoke on the Lincoln Theatre and added that the Lincoln Road portion between Lenox to Alton is not ADA friendly.

Jorge Gonzalez, City Manager, stated that it would not have received a Certificate of Occupancy if it was not ADA accessible and explained the issue with the Lincoln Theatre.

- 7) Sherry Roberts reiterated her opinion with regards to the Lincoln Theatre.

Lyle Stern stated that their intent with the Lincoln Theater is to restore the façade to its original grandeur as requested by the Historic Preservation Board, and explained that the structure in the interior was removed about 20 years ago, and there is no portion of the original theater remaining on the ground floor or back stage.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: No speakers.

1:02:48 p.m.

R9C Discussion Regarding The Issue Of Back-Billing Of Storm Equivalent Units.
(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Item referred to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda and to handle.

Commissioner Wolfson explained the item and why the City should not be back-billing.

Jorge Gonzalez, City Manager, explained the process.

Patricia Walker, Chief Financial Officer, provided additional facts on why the need to back-bill.

Discussion held.

Commissioner Tobin asked if it would be helpful to hear this item in detail at the next Finance and Citywide Projects Committee.

Commissioner Wolfson agreed to send to committee but to hold back on the collection of these back charges and not shut off their water.

Vice-Mayor Weithorn asked if at the Finance and Citywide Projects Committee meeting data could be provided to address Commissioner Exposito's questions regarding how many customers, the largest and smallest bill, and what are the mean or median bill. **Patricia Walker to handle.**

Commission Tobin stated that he does not want to defer collection indefinitely and as a courtesy to Commissioner Wolfson, he agreed to refer the issue to the Finance and Citywide Projects Committee, defer collection until the next Commission meeting and if there is no action one way or another at the next Commission Meeting that the Administration continue with the program; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Mayor Bower. **Patricia Walker to place on the committee Agenda and to handle.**

6:04:09 p.m.

R9D Discussion Of The Revised Master Plan Recommendations For The Flamingo Park Project To Provide For Seventeen (17) Clay Surface Courts At Flamingo Park.
(Capital Improvement Projects)

ACTION: Discussion held.

Action #1:

Commissioner Libbin's motion for Flamingo Park to be twelve (12) clay courts and five (5) hard courts, look into having five (5) additional courts installed in the open field with a referral to the Neighborhood/Community Affairs Committee in February, with notice to the neighborhood, the school and start the Historic Preservation Board process for their meeting in March if the noticing requirements can be done, and have the designer prepare some rough sketches; seconded by Commissioner Wolfson; Ballot vote: 5-1; Opposed: Commissioner Góngora, Absent: Mayor Bower. Jorge Gomez to handle.

Action #2

Motion made by Commissioner Exposito to have two (2) hard courts at the Par 3; seconded by Commissioner Wolfson; 5-1; Opposed: Commissioner Góngora; Absent: Mayor Bower.

Action #3

Regarding Polo Park, a monthly status Memorandum will be provided. **Charles Carreño to handle.**
End

Rich Williams, requested a point of order, and stated that the proposal for the tennis was brought by Green Square and their supporters and they all know one of the principles is Victor Weithorn, Commissioner Weithorn's brother-in-law. He asked if she would consider recusing herself from this discussion and the vote.

Vice-Mayor Weithorn stated that this discussion is not about the Green Square's contract; it's about the makeup of the tennis courts.

Jorge Gonzalez, City Manager, stated that this issue came up during the Sutnick Citizens Forum and Jimmy Resnick initially brought up the issue of the lack of hard surface courts at Flamingo Park. The issue before the City Commission today is the number of clay and hard surface courts.

Jose Smith, City Attorney, stated that there is no conflict of interest.

Rich Williams thanked the Commission for their consideration but still objected.

Jimmy Resnick spoke.

Jorge Gonzalez, City Manager, introduced the item.

Martin Karp, Miami-Dade County School Board Member, spoke.

Steve Berke spoke.

Rocio Beeksdin spoke.

Richard Kromka spoke.

Larry Hyer spoke.

Jorge Gonzalez, City Manager, responding to Mr. Hyer, explained that the courts at Nautilus (Polo Park) were the result of an agreement with Miami-Dade County Public Schools who built park and unfortunately the tennis courts have developed settling cracks and the two center courts have been rendered unplayable. The Administration has negotiated with Miami-Dade Public School and the City received a check that will allow for repairs on all four (4) courts. The funding is in place; the conceptual design is ready, and a job-order-contractor will be used. It is estimated to take about four or five months. A monthly status Memorandum will be provided. **Charles Carreño to handle.**

Dana Turken spoke.

Greg Loud spoke.

Phil Haurus spoke.

Dr. Rosann Sidener, Miami Beach High School Principal, spoke.

Jonathan Nelson, Boy's Tennis Coach at Miami Beach High School, spoke.

Tony Harmony, Girl's Tennis Coach at Miami Beach High School, spoke.

Randie Hofer spoke.

Moni Cohen spoke.

Miriam Bruni spoke.

Shelley Niceley Groff spoke.

Gail Durham spoke.

Lisa Sanders spoke and also read a letter from the PTA from Miami Beach Senior High School.

Rich Williams spoke.

Rebecca Boyce spoke.

Arthur Boren spoke.

John Corey, President of the Bayshore Homeowners Association spoke.

Barry Miller spoke.

Dennis Eichhorn spoke.
Robert Turken spoke.
Steven Rappaport spoke.
Ronald Stroia spoke.
Elise Rothman and her son Mark spoke.
Max d'Hauthuille spoke.
Cigi Thoennes spoke.

Commissioner Góngora stated that this is a very difficult item in trying to balance the different parts of this community. He met with several tennis and parent's associations, and everyone has different opinions. He suggested taking five (5) clay courts at Flamingo and making them hard surface courts which leaves twelve (12) clay courts, and at the Par 3 site make the five (5) courts being constructed clay courts instead of hard courts.

Jorge Gonzalez, City Manager, stated that when building neighborhood courts such as Polo Park and the Par 3, the courts are usually hard courts because of the maintenance issue. There will be higher costs associated with having to maintain clay courts.

Discussion held.

Commissioner Wolfson stated that the right thing to do is to have a mixture of clay and hard courts.

Commissioner Libbin stated that he is in favor of a mixture and suggested considering six (6) hard courts. His preference is eleven (11) clay and six (6) hard courts. He added that he is open to using the open field in Flamingo Park to build additional courts; however, a consensus needs to be reached with the Flamingo Park residents.

Commissioner Tobin stated that Rebecca Boyce and her group did a great job in advocating their position. He is willing to take another look at the Flamingo Park open space area, throw in some bleachers and make it a truly great tennis facility. It is important to make sure that everyone is noticed of any meetings.

Commissioner Exposito stated that the key issues seem to be supervision, a lighted facility, and bathroom facilities. He encouraged the City Commission to re-think the usage of the open field at Flamingo Park.

Discussion continued.

Motion made by Commissioner Tobin to have seventeen (17) clay courts with five (5) additional hard courts at Flamingo Park. No second offered and the discussion continued.

Jorge Gonzalez, City Manager, stated that the design will need to be put on hold and the stakeholders need to be involved in the discussions.

Commissioner Wolfson stated that seventeen (17) courts, a mix of twelve (12) clay and five (5) hard is a reasonable solution given the budget allocated.

Commissioner Tobin suggested using the \$75,000 from the contribution of the waste contractors and asked how much does it cost to construct five (5) hard courts.

Jorge Gonzalez, City Manager, stated that the budget for the five (5) hard courts at the Par-3 is about \$300,000. He added that he felt that issue is less about dollars and more about the master planning issue and neighborhood support.

Jorge Gomez, Assistant City Manager, stated that to do the mix with the seventeen (17) courts can

be done administratively; however, expanding to the open area will require approval of the Historic Preservation Board.

Motion made by Commissioner Libbin to have eleven (11) clay courts and six (6) hard courts, unless there is consensus and approval to build the five (5) additional courts. No second offered and the discussion continued.

Jorge Gomez, Assistant City Manager, stated the courts are now configured with one (1) set of five (5) courts and three (3) sets of four (4) courts, and there is no way to get six (6) courts together.

Motion made by Commissioner Libbin to have twelve (12) clay courts and five (5) hard courts; with the proviso to try to see if there is community consensus to add the additional five (5) on the open field area; seconded by Commissioner Wolfson. Discussion continued.

Jorge Gonzalez, City Manager, stated that the final design will be put on hold and to schedule a meeting with the Flamingo neighborhood to seek consensus.

Vice-Mayor Weithorn suggested meeting with the neighborhood and suggested referring the discussion to the Neighborhood/Community Affairs Committee.

Jorge Gonzalez, City Manager, asked how many courts and what type of courts will be at the Par 3.

Commissioner Tobin stated if a first class tennis facility is a priority, it will happen.

Jorge Gomez, Assistant City Manager, reviewed the Historic Preservation Board process.

Jorge Gonzalez, City Manager, clarified that the \$300,000 is the budget for the five (5) courts at the Par 3 without bleachers or other amenities. If other items are required to make the facility a world class facility the budget is not known at this time.

Added to Commissioner Libbin's motion above is the referral to the Neighborhood/Community Affairs Committee.

Vice-Mayor Weithorn requested that the Flamingo neighborhood and Dr. Seidler be notified of the Neighborhood/Community Affairs Committee meeting. Jorge Gomez to handle.

On Commissioner Libbin's motion, Voice vote: 4-2; Opposed: Commissioners Góngora and Tobin; Absent: Mayor Bower.

Commissioner Tobin voted "no" because he feels the pressure will be taken off seeking the additional five (5) courts at Flamingo Park.

Vice-Mayor Weithorn stated that the item has been referred to the Neighborhood/Community Affairs Committee with an invitation to the neighborhood, the Commission has requested that the Historic Preservation approval process begin, and the Commission has requested the designer to come up with two (2) sets of plans.

Although the motion was already voted on, Jorge Gomez, Assistant City Manager, restated Commissioner Libbin's motion for Flamingo Park to have twelve (12) clay courts and five (5) hard courts, look into having five (5) additional courts installed in the open field with a referral to the Neighborhood/Community Affairs Committee in February and the Historic Preservation Board in March if the noticing requirements can be done and have the designer prepare some rough sketches; seconded by Commissioner Wolfson; Ballot Vote: 5-1; Opposed: Commissioner Góngora, Absent: Mayor Bower.

Motion made by Commissioner Exposito to have two (2) hard courts at the Par 3; seconded by Commissioner Wolfson; 5-1; Opposed: Commissioner Góngora; Absent: Mayor Bower.

Handout or Reference Materials:

1. Roll call vote
2. Email from loydgreg@hotmail.com to Mayor's Office dated February 2, 2010 RE: Miami Mavericks Tennis and Flamingo Clay Courts.

12:49:56 p.m.

9:16:30 p.m.

R9E Discussion Regarding The City Of Miami Beach Living Wage Ordinance.
(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Góngora to refer the discussion to the next Finance and Citywide Projects Committee meeting; seconded by Commissioner Libbin; Voice vote: 5-0: Absent: Mayor Bower and Commissioner Tobin. **Patricia Walker to place on the committee agenda. Gus Lopez to handle.**

Commissioner Tobin stated that it looks like the City may not have been indexing the living wage. He added that he understands the Administration will research and report back to the Commission as expeditiously as possible.

Jorge Gonzalez, City Manager, stated that at the last Finance and Citywide Projects Committee meeting the Administration was requested to gather data on this, but the data is not available for today's meeting.

Vice-Mayor Weithorn stated that at the Finance and Citywide Projects Committee meeting the Committee asked for the data to be analyzed to understand the magnitude and what the potential remedies may be. She also invited the entire Commission to attend the next Finance and Citywide Projects Committee.

Discussion held.

Jose Smith, City Attorney, stated that because the City has received letters from attorneys notifying the City of possible claims under the living wage ordinance, he asked the Commission to consider a Resolution which would protect the City. As the Ordinance provides for waiving of the indexing provision, if the City Commission finds that it would be fiscally unsound, for Fiscal Year 2009/10, the Commission finds that it would not be in the City's best financial interest to index the Living Wage Ordinance (thereby "stopping the clock" on any potential claim that may be filed against the City).

The City Attorney drafted a Resolution for the City Commission's consideration.

Discussion continued.

Jorge Gonzalez, City Manager, added that for Fiscal Year 2009/10, the Commission would be making a determination not to index because the CPI is flat and economics are not favorable. For the next fiscal year, he recommended that, during the budget process, the City Commission might want to consider that the indexing under the Living Wage Ordinance would be a certain amount indexed to CPI, based on the analysis.

Discussion continued.

Motion made by Commissioner Libbin to approve the Resolution recommended by the Legal Department not to index this year, and further preserve the right to amend, in the future, the living wage rate to whatever amount the City Commission sees fit; seconded by Commissioner Wolfson. No vote taken and the discussion continued.

Commissioner Tobin explained why he would not be voting for the motion. He stated that, having just received the Resolution, he would like to review it further with the City Attorney.

Commissioner Libbin requested that the item be deferred until the afternoon session, to see whether Commissioner Tobin could meet with the City Attorney in the interim.

9:16:38 p.m.

Vice-Mayor Weithorn explained that she had been advised that the Resolution did not need to be approved today, and that it can be referred to the next Finance and Citywide Projects Committee (along with the other Living Wage discussion).

Motion by Commissioner Góngora to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Mayor Bower and Commissioner Tobin. Patricia Walker to place on the agenda. Gus Lopez to handle.

Handout or Reference Materials:

1. Resolution form approved in DRAFT form

1:28:28 p.m.

R9F Discussion Regarding The Current Status Of The City's Planned Red Light Camera Program.
(Requested by Commissioner Jorge Exposito)

ACTION: Discussion held. Item referred to the Finance and Citywide Projects Committee by acclamation. Patricia Walker to place on the committee agenda. **Robert Middaugh to handle.**

Commissioner Exposito is concerned by the delay because the City may come up short on the expected revenues. He does not want to be faced with a deficit when it is too late to do anything about it.

Vice-Mayor Weithorn stated that there are three Commissioners who are members of the Finance and Citywide Projects Committee and this is an issue that other Commissioners may wish to speak about and invited them to attend the meeting.

Jorge Gonzalez, City Manager, stated that one of the elements of the contract was the vendor's commitment to have up and running ten (10) cameras by January 31. The policy is that after the first 30 days, from the time the first camera became operational, violators would only be sent a courtesy notices, and not a violation. As of Monday, February 1, 2010, there are three (3) locations operational. By Friday of this week, the vendor has indicated that there will be three (3) or four (4) additional locations completed. The clock on the 30 days courtesy notice has begun on Monday February 1st. The contractor is confident that the remaining cameras will be operational by March 2nd or when the 30 days courtesy noticing process is complete. He explained how the revenue projections work. He added that if all ten (10) cameras are not up and operational by March 2nd, he has already advised the vendor that the City expects to be made whole.

Commissioner Tobin stated that the Commission should consider extending the warranty period prior to issuing the ticket.

Commissioner Wolfson agreed with Commissioner Tobin.

Jorge Gonzalez, City Manager, committed to placing notices on Channel 77, the City's magazine and advertising.

Commissioner Tobin stated that the big flashing signs warning that the red light cameras are active should be placed on the causeways. **Robert Middaugh to handle.**

The issue was referred to the Finance and Citywide Projects Committee by acclamation. Absent" Mayor Bower.

City Clerk's Note: See attached memorandum dated February 3, 2010, RE: Background for Red Light program discussion item

1:26:01 p.m.

R9G Discussion Regarding The Possibility Of Extending The Operating Hours Of Certain Nightlife Venues By Two Hours On The Evenings Of March 26 And March 27, 2010.
(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Motion made by Commissioner Wolfson to allow the nightclubs with indoor entertainment only, with a 5:00 am license and no conditional use permit, to stay open two extra hours until 7:00 am on March 26th and March 27; to include the rules and regulations with the following criteria; and businesses that owe money to the City need to go to the Finance Department and make payment arrangements, and to include the Winter Music Festival in the ordinance that allows this event to occur every year with the above criteria without having to seek Commission approval every year; seconded by Commissioner Góngora; Voice vote: 6-0: Absent: Mayor Bower.

1. No pending violations

2. Amendment: If they owe money to the City to make payment arrangements with the Finance Department

3. No outdoor entertainment or open-air entertainment

4. No permission granted to violate the noise ordinance

If there are any problems during the weekend, this action may be rescinded by the City Manager.

Commissioner Wolfson introduced the item.

Jorge Gonzalez, City Manager, stated that this is an event that occurs every year and recommended that the Winter Music Conference be added to the ordinance that allows this event to occur every year with the above criteria without have to seek Commission approval every year. **R. Parcher to handle.**

Commissioner Wolfson accepted the City Manager's recommendation and added it as an amendment.

9:17:15 p.m.

R9H Discussion Regarding On The Formation Of Miami Beach's Complete Count Census Committee.
(Requested by Mayor Matti Herrera Bower)

ACTION: Discussion held. Motion made by Commissioner Góngora to support the Mayor's effort; seconded by Commissioner Libbin; Voice vote: 6-0: Absent: Mayor Bower. **Rebecca Wakefield to handle.**

City Clerk's Note: The "Complete Count" Committee is headed up by Elsa Urquiza.

R10 - City Attorney Reports**2:11:47 p.m.**

R10A Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, February 3, 2010, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Closed Executive Session announced and held. In addition to Jorge Gonzalez, City Manager, the following individuals will be in attendance: Jim Linn, Pension Attorney, James Crosland, Labor Attorney, Ramiro Inguanzo, Kristin Tigner, Carla Gomez, Yarily Sam, Kathie Brooks, Alex Rey, Kim McCoy and Jose Cruz.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report – November 2009.

(Parking Department)

ACTION: Written report submitted.

C Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

D Status Report On Palm And Hibiscus Islands Underground Utilities Project.

(Capital Improvement Projects)

ACTION: Written report submitted.

E Non-City Entities Represented By City Commission:

1. Minutes From The Miami-Dade Metropolitan Planning Organization (MPO) For The Miami Urbanized Area Governing Board Meeting On December 17, 2009.

(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

2. Minutes From The Adrienne Arsht Center For The Performing Arts Of Miami-Dade County Meeting On January 26, 2010.

(Requested by Mayor Matti Herrera Bower)

ACTION: Written report submitted.

ADDENDUM

3. Minutes From The Miami-Dade County Tourist Development Council Meeting On November 17, 2009.
(Requested by Mayor Matti Herrera Bower)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 3, 2010

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Jorge Gomez

General Counsel Jose Smith

Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of December 2009.

(Finance Department)

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned at 9:19:38 p.m.